

Ashok Ramani (SBN 200020)
ashok.ramani@davispolk.com
David J. Lisson (SBN 250994)
david.lisson@davispolk.com
Micah G. Block (SBN 270712)
micah.block@davispolk.com
DAVIS POLK & WARDWELL LLP
900 Middlefield Road, Suite 200
Redwood City, California 94063
Tel: (650) 752-2000
Fax: (650) 752-2111

Attorneys for Comcast Defendants
[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

ENTROPIC COMMUNICATIONS,
LLC,

Plaintiff,

V.

DISH NETWORK CORPORATION; *et al.*,

Defendants.

ENTROPIC COMMUNICATIONS,
LLC,

Plaintiff,

V.

COMCAST CORPORATION, *et al.*

Defendants.

Lead Case No.
2:23-cv-01043-JWH-KES

Related Case No.
2:23-cv-01048-JWH-KES

**COMCAST'S APPLICATION FOR
LEAVE TO FILE UNDER SEAL
COMCAST'S REPLY IN
SUPPORT OF COMCAST'S
MOTION TO DISMISS THE
CORRECTED SECOND
AMENDED AND
SUPPLEMENTAL COMPLAINT
UNDER FED. R. CIV. P. 12(b)(1)
AND 12(b)(6)**

Date: April 25, 2025

Time: 9:00 a.m.

Dept: 9D

Judge: Hon. John W. Holcomb

Pursuant to Civil Local Rule 79-5.2.2(a), Defendants Comcast Cable Communications, LLC, Comcast Cable Communications Management, LLC, and Comcast Corporation (collectively, “Comcast”) hereby apply for leave to file under seal:

Document	Portion to be Sealed
Reply in Support of Comcast’s Motion to Dismiss the Corrected Second Amended and Supplemental Complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) (“Reply”)	Page 16, line 4 through line 5; Page 16, line 6 through line 7; Page 16, line 23; Page 16, part of footnote 9

Comcast seeks to file portions of its concurrently filed Reply under seal. The portions of the Reply that Comcast seeks to file under seal discuss the content of Exhibit A (“Exhibit A”) to Comcast’s Motion to Dismiss the Corrected Second Amended and Supplemental Complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Dkt. No. 598 (the “Motion”).¹

The documents in Exhibit A (MOCA_1038720 and MOCA_1038721) were produced with a designation of “Restricted – Attorneys’ Eyes Only” pursuant to the Protective Order entered in the above-captioned matter. The Court previously granted Comcast’s application for leave to file under seal Exhibit A and portions of the Motion discussing its content. Dkt. No. 597 at 2. Counsel for Comcast informed counsel for Plaintiff Entropic Communications, LLC (“Entropic”), of Comcast’s intent to seek leave to file portions of the Reply under seal. Declaration of Micah G. Block in support of Comcast’s Application for Leave to File Under Seal Comcast’s Reply in Support of Comcast’s Motion to Dismiss the Corrected Second Amended and Supplemental Complaint under Federal Rules of Civil

¹ “Dkt. No.” refers to docket entries in Lead Case No. 2:23-cv-01043-JWH-KES.

1 Procedure 12(b)(1) and 12(b)(6) (“Block Decl.”) ¶ 3. Entropic has indicated that it
2 does not oppose this Application. *Id.*

3 **I. BACKGROUND**

4 The Protective Order in the above-captioned matter permits parties to
5 designate certain information produced in response to discovery as “Restricted –
6 Attorneys’ Eyes Only.” Protective Order § 2.9, Dkt. No. 158. The Protective Order
7 provides that information designated as “Restricted – Attorneys’ Eyes Only” is
8 protected material that may only be disclosed to limited categories of persons, *id.*
9 §§ 2.9, 2.17, 7.1, 7.3, and that a party may seek leave to file protected material
10 under seal in accordance with Civil Local Rule 79-5, *id.* § 14.3.

11 **II. COMPELLING REASONS EXIST TO FILE UNDER SEAL**

12 Courts recognize a general right to inspect and copy public records, but
13 “access to judicial records is not absolute.” *Kamakana v. City & Cnty. of Honolulu*,
14 447 F.3d 1172, 1178 (9th Cir. 2006). Where a party seeks to file information under
15 seal in connection with a motion that is “more than tangentially related to the
16 merits of a case,” a court may grant leave to seal if it finds “a compelling reason
17 and articulate[s] the factual basis for its ruling, without relying on hypothesis or
18 conjecture.” *Ctr. of Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096–1097,
19 1101 (9th Cir. 2016) (internal quotation marks omitted). The court must then
20 “conscientiously balance[] the competing interests of the public and the party who
21 seeks to keep certain judicial records secret.” *Id.* at 1097.

22 Compelling reasons exist to grant this sealing application. Block Decl. ¶¶ 4–
23 5; *see also* Dkt. No. 594 ¶¶ 4–5. The Court previously granted Comcast’s
24 application for leave to file under seal Exhibit A and portions of the Motion
25 discussing its content. Dkt. No. 597 at 2. Because portions of the Reply discuss the
26 content of Exhibit A, granting this Application is appropriate for the same reasons.
27
28

1 Thus, compelling reasons exist to seal portions of the Reply discussing material
2 designated as “Restricted – Attorneys’ Eyes Only.”

3 Accordingly, Comcast respectfully requests that the Court grant this sealing
4 application.

5
6 Dated: April 11, 2025

Respectfully submitted,

7 /s/ Micah G. Block

8 DAVIS POLK & WARDWELL LLP
9 Ashok Ramani (SBN 200020)
10 ashok.ramani@davispolk.com
11 David J. Lisson (SBN 250994)
12 david.lisson@davispolk.com
13 Micah G. Block (SBN 270712)
14 micah.block@davispolk.com
15 900 Middlefield Road, Suite 200
16 Redwood City, CA 94063
17 Tel: (650) 752-2000

18 WINSTON & STRAWN LLP
19 Krishnan Padmanabhan (SBN 254220)
20 kpadmanabhan@winston.com
21 200 Park Avenue
22 New York, NY 10166
23 Tel: (212) 294-6700

24 Saranya Raghavan
25 sraghavan@winston.com
26 Natalie R. Holden
27 nholden@winston.com
28 35 West Wacker Drive
Chicago, IL 60601
Tel: (312) 558-5600

Diana Hughes Leiden (SBN 267606)
dhleiden@winston.com
333 South Grand Avenue
Los Angeles, CA 90071
Tel: (213) 615-1924

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Louis Campbell (SBN 221282)
llcampbell@winston.com
255 Shoreline Dr, Suite 520
Redwood City, CA 94065
Tel: (650) 858-6500

Attorneys for Comcast Defendants